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ELECTION COMMISSION, INDIA.

NOTIFICATION

New Delhi, the 27th May, 1957

**S.R.O. 1922.**—In pursuance of the provisions of sub-section (1) of section 80 of the Representation of the People Act, 1951, the Election Commission hereby published a copy of the Election Petition No. 341 of 1957, presented to the Commission on the 27th April, 1957 under section 81 of the said Act, by Md Ibrahim Ansari, Prass Toli, P.O. Hinoo, Ranchi (Bihar), calling in question the election to the House of the People from the Ranchi East constituency of that House of Shri M. R. Masani, Altamount Road, M. H. No 7, Barodawala Building, Bombay-26.

Presented to me by Shri Mohd Ibrahim Ansari whose signature is given below and attested as having been signed before me this the twenty seventh day of April one Thousand Nine Hundred and Fifty Seven

Sd/- MOHAMAD IBRAHIM ANSARI,

ATTESTED

Sd/- DIN DAYAL,

Dated the 27th April 1957.

Sd/- DIN DAYAL, Under Secy.  
ELECTION COMMISSION, INDIA.

TO

THE SECRETARY,

ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 341 of 1957

Md. Ibrahim Ansari Prass Toli, P.O. Hinoo, Ranchi (Bihar)—*Petitioner.*

*Versus*

1. M. R. Masani, Altamount Road, M. H. No. 7, Barodawala Building, Bombay—26.

2. Sri Rabindranath Choudhry C/o Dr. J. N. Chatterji, Sradhanand Road, Ranchi.

3. Sri John David Maxwell Hamilton Bazara, 21 A, Mango Villa—Morhabadi, Ranchi.

4. Sri Rameshwar Mahto, Ganga Ashram, Court Road, Ranchi

5. Sri David Munzni, Pathal Kudua, Ranchi.

6. Sri J. C. Hayward, Jail Road, Ranchi.—*Respondents.*

The petitioner named above begs to state as follows:—

1. That the petitioner and the respondents 1 to 6 were contesting candidates for election to the House of People of India from Ranchi East Unreserved Constituency which was called upon to elect one member to the Parliament.

2. That the counting of votes was completed on 15th March 1957 and the respondent no. 1 was declared elected by the Returning Officer of that constituency. M. R. Masani had polled 39,025 votes and the petitioner was the next best candidate who had polled 36,785 votes.

3. That the polling in that constituency was to take place in different polling stations between 25th February 1957 to 12th of March 1957.

4. That the respondent no. 1 M. R. Masani was under the employment of the Tatu Iron & Steel Co. Ltd and was thus holding an office of profit under the said Company or Corporation in which the Government of India had and has share or other financial interest which disqualified respondent no. 1 and as such his election is void u/s 7(c) read with section 100(a) of the Representations of the People Act.

5. That the respondent no. 1 M. R. Masani indulged in various corrupt practices which render his election void and the particulars of which are as follows:—

(a) That on 26th February 1957 at Ranchi M. R. Masani procured a jeep No. B.M.L. 8112 for the conveyance of electors to the polling booths for the purpose of casting their votes and on the same day in the same jeep No. BML 8112 carried 3 electors viz. Mulraj Purohit, Mani Lal Bhagat and Srimati Dayawanti Purohit to booth No. 38 in the Ranchi Municipal Office building at about 8.15 A.M. where the above named 3 electors got out of his jeep No. BML 8112 and entered the polling compartment and cast their votes. Immediately Rajdeo Tewari the polling agent of the petitioner filed a written complaint to the Presiding Officer to this effect who also had seen this incident. When the Presiding Officer pointed out this to respondent No. 1 the latter stated that those 3 electors were his friends and admitted this before the Presiding Officer of the said booth and before the Returning Officer also.

(b) That this was not the solitary instance of carrying voters. On that very day in different booths in the town of Ranchi respondent No. 1 M. R. Masani himself and his other agents were procuring vehicles for carrying voters to the various polling booths in Ranchi town in various jeeps and cars.

(c) That M. R. Masani respondent No. 1 had paid Rs. 300 as reward to one Subodh Misra the Editor of a Hindi weekly "The Swarnrekha", which has a very wide circulation in this district for indulging into all sorts of nefarious and false propaganda against the Congress candidates including the petitioner. In pursuance of this conspiracy the said Subodh Misra issued a questionnaire against Ram Ratan Ram, a Congress candidate for election to the Bihar Legislative Assembly from the Ranchi constituency which formed a part of the Ranchi East Parliamentary constituency. This questionnaire (a copy of the questionnaire is attached herewith—**MARKED 'X'**) was calculated to impair and injure the reputation of the Congress candidates, knowing full well that the same would materially affect the result of election of the petitioner and which in fact has substantially affected the result of the petitioner in the election. It may be noted that the symbols of the petitioner and Ram Ratan Ram were identical being two bullocks with a yoke on, as both of them were Congress candidates. Had this not been done, the petitioner must have won in the election.

(d) That the respondent No. 1 M. R. Masani procured and employed the services of the Welfare Officer of Associated Cement Corporation of India at Khelari in his election campaign. As the said Welfare Officer is a Government servant his services in the election to M. R. Masani amounts commission of corrupt practice.

(e) That respondent No. 1 paid Rs. 200 to one Alimuddin Ansari of Hindpiri, Ranchi for meeting his marriage expenses after getting an assurance that the said Ansari and his family members would vote for him. M. R. Masani himself attended the marriage function. Mr. Alimuddin was given further money by M. R. Masani presumably to purchase votes. Alimuddin was seen canvassing for Masani offering to pay Rs. 5 per vote on 24th February 1957 and 25th February 1957 at Ranchi.

(f) That in the Eastern Railway Hotel, Ranchi where respondent No. 1 and his one agent Mohan Das were staying, drinks were lavishly served on the voters of Ranchi town at the instance of the respondent No. 1 who met the costs of the same.

(g) That pamphlets printed in Urdu purporting to be under the name of Maulana Sved Shah, Mohammed Usman Gani, General Secretary of Ameer Shariat of Fulwari Sarif forbidding the Muslim voters to cast their votes on the ground of Islam and Communism and on other false allegations of commission and omission of Bihar Government, in favour of any Congress candidates (a copy of which is enclosed herewith—**MARKED 'Y'**) were distributed by the respondent No. 1, Mohan Das his agent and his other agents and supporters. This was repeated in other places and near his election office at Budhia Buildings, Main Road, Ranchi. This pamphlet was never issued by the said Maulana. This distribution of pamphlet of M. R. Masani, Mohandas, Alimuddin Ansari and other agents and supporters of M. R. Masani has materially affected the result of the election of the petitioner. (A copy of the said pamphlet is attached herewith).

Had this not been distributed as described above the petitioner would have been successful in the election.

(h) That the respondent No. 1 has incurred and/or authorised expenditure in contravention of section 77 of the Representation of the Peoples Act. As M. R. Masani has not appointed any election agent other than himself u/s 40 of the Act it was his bounden duty to keep account of expenditures himself. The respondent No. 1 has not kept himself any account of expenditure for the Chandil area and for Tamar area, on the contrary he authorised one Mr. T. Bodra, M.P. to keep account of election expenditure for Chandil area and one Mr. S. A. Choudhry, Pleader for certain areas and one Alimuddin of Hindpiri. These Messrs Bodra, one S. A. Choudhury or Alimuddin Ansari and various others were not election agents of respondent no. 1.

(i) That the espondent no. 1 M. R. Sasani has not maintained accounts of expenditure giving the particulars as required by law—

A—That the nature of the expenditure has not been shown.

B—That the vouchers submitted by Mr. T. Bodra are not numbered, name and address of the persons to whom money was given have not been mentioned with certainly nor the purpose for which money was given to them. Various receipts showing expenditure on 13th March 1957 by Mr. T. Bodra, M.P. which amount would be 40/13/- plus 77/13/- and 13/2/- plus 10/10/=147/6/- have not been included in the account of expenditure with a view to suppress the same. This shows that the account submitted is false.

C—Similarly the accounts submitted by Mr. S. A. Choudhury, Pleader, Ranchi to M. R. Masani does not show the purpose and nature of expenditure nor is there any voucher to support the expenditure incurred by Mr. Choudhury nor the name and address of persons to whom money was paid.

6. That M. R. Masani himself is stated to have paid a sum of Rs. 105 on 26th February 1957 to some polling agents as per voucher no. 126. This voucher is in the handwriting of M. R. Masani himself and not even signed by any of the payees, nor their names or addresses have been given, nor the number of the polling agents to whom money had been given nor the nature or purpose for which the expenditure incurred has been stated in the voucher. This is clearly in flagrant disregard of the provisions of section 77 of the Representation of the Peoples Act. M. R. Masani has thus committed corrupt practice.

7. That over the above that the following persons whose addresses have been noted against their name smentioned below, in the roun of election expenses of M. R. Masani were inspite of the best efforts could not be traced in the places of address shown by M. R. Masani. Wrong and false address has been given purposely in order to suppress the true nature of the expenditure. The names and addresses in M. R. Masani return are—

Money paid.	Names.	Date	Address.
Rs. 500/-	S.K. Mozim	23-2-57	Iagnnathpur, Ranchi Voucher No. 94
Rs. 30/-	A.H.Khan	16-3-57	Borea Voucher No. 244
Rs. 399/13	S.A.Choudhury	16-2-57	Pleader, Ranchi, Voucher No. 232
90/-	Kaji Saheb	3-3-57	Hindpiri Voucher No. 165
87/-	S.N. Hada	3-3-57	Arrah Kewali Voucher No 166
	Anwar Hussain.		

Persons of the names mentioned above are not to be found in the places noted against their names, as they are not residents of these places, nor residents of other places in this Constituency.

8. Apart from this M. R. Masani has shown, the expenditure as follows:—

Date	Nature of expenditure	Amount given.	Name and address	Voucher No.
A- 22-2-57	Expenses of workers	500/-	Md. Syed Shamsuddin, Ranchi.	129
B- 24-2-57	"	500/-	Lal Brai Kishore Nath Sahdeo.	95
C- 23-2-57	"	500/-	Sk. Moazim, Iagannathpur, Ranchi.	94

In the above three cases, to choose only a few instances, the number of workers to whom money was paid their names or

tioned nor vouchers have been obtained from the actual workers. In neither case the nature of the expenditure has been indicated whether it was salary, remuneration, travelling expenses, fooding, lodging or other purposes permitted by law. This has been purposely done to avoid detection of the true nature of expenditure. Nor the above three gentlemen submitted any account. It may be presumed that the above amounts were advanced to bribe those persons for getting their votes, and as a reward for distributing among the Muslims the pamphlets (Marked 'Y' and mentioned fully in Para 5 (g) of this petition) which these three gentlemen did, materially affecting the result of the election of the petitioner.

9. That M. R. Masani has purposely suppressed the amount of expenditure actually incurred by him which can not be less than Rs. 30,000. The following expenditures have not been shown by him.

- A—Costs of obtaining certified copies of the electoral roll of M. R. Masani of his name in his home constituency, Bombay.
- B—His travelling expenses from Bombay to Ranchi when he had come to file his nomination for the first time has not been shown.
- C—Salary of driver of his car has not been shown.
- D—Actual costs of petrol purchased by him has not been shown. Some bills are still outstanding in his name.
- E—Actual printing costs have not been shown. Some bills of various presses are still outstanding in his name.
- F—His travelling expenses from Ranchi to Patna when he had gone to take the blessings of Shree Jay Prakash Narayan in the first week of March has not been shown.
- G—Expenditure of microphone has not been shown.

10. That on 5th March 1957 the Polling Officer of polling booth No. 79 at Bundu P.S. Bundu District Ranchi was not allowing exhibition of Party symbol on the identity slip issued by the Congress party to the voters in the said polling booth and as a result of this a large number of voters who had come to vote for the petitioner went back disappointed from the said polling booth. This spread every where in the other booths also and the electors in other booths also were prevented from going to polling booths with the Congress symbol in the identity slip issued by the petitioner's party.

Immediately the polling agent of the petitioner filed an objection in writing before the Presiding Officer but he paid no heed to it.

It is submitted that this disallowing of the exhibition of the party symbol has materially affected the result of the election of the petitioner.

11. That the petitioner has deposited a sum of Rs. 1,000 for security of costs of this election petition. A copy of the Ranchi treasury challan bearing No. 7 dated 24th April 1957 showing the said deposit is filed herewith.

12. The petitioner prays for the following reliefs:—

- (i) That on finding that the respondent No. 1 M. R. Masani has committed Corrupt practices as mentioned in paras 5, 6, 7 and 8 of this petition, he be declared disqualified to be a member of Parliament.
- (ii) That the election of M. R. Masani to the House of People from Ranchi East Constituency be declared void.
- (iii) That the petitioner be declared to have been duly elected to the House of People from Ranchi East Constituency.
- (iv) That costs of this petition may kindly be awarded to the petitioner.
- (v) Any other or further relief which the court thinks proper

MOHAMMAD IBRAHIM ANSARI.

*Verification.*

I, Md. Ibrahim Ansari s/o late Dilawar Ali of Prass Toll, P.O. Hino, P.S. and District Ranchi do hereby solemnly state that the statements contained in

paras. 1 to 11 of this petition are true to the best of my knowledge, information and belief.

MOHAMMAD IBRAHIM ANSARI

Verified at Delhi on this the 27th day of April, 1957.

ANNEXURE

Marked 'X'—Article of Weekly 'The Swarnrekha'

Marked 'Y'—Pamphlet purporting to be issued by the General Secretary,  
Ameer Shariat, Fulwari Sarif, Patna.

Mohammad Ibrahim Ansari

That I, Md. Ibrahim Ansari s/o late Sri Dilawar Ali of Prass Toli, P.O. Hinoo, P.S. Ranchi, District Ranchi do hereby solemnly state that the article of 'Swaranrekha' Marked 'X' and mentioned in para 5 (c) of this petition and the pamphlet—Marked 'Y' and mentioned in para 5(g) of this petition are annexure to this petition.

That the statements contained above are true to the best of my knowledge, information and belief.

MOHAMMAD IBRAHIM ANSARI.

Verified at Delhi, on this the 27th day of April 1957.

[No. 82/341/57.]

By order,

DIN DAYAL, Under Secy.

